



## **Town of Arlington, MA Redevelopment Board**

### **Agenda & Meeting Notice April 3, 2023**

Per Board Rules and Regulations, public comments will be accepted during the public comment periods designated on the agenda. Written comments may be provided by email to [cricker@town.arlington.ma.us](mailto:cricker@town.arlington.ma.us) by Monday, April 3, 2023 at 3:00 p.m. The Board requests that correspondence that includes visual information should be provided by Friday, April 1, 2023 at 12:00 p.m.

The Arlington Redevelopment Board will meet Monday, April 3, 2023 at 7:30 PM in the **Arlington Community Center, Main Hall, 27 Maple Street, Arlington, MA 02476**

#### **1. 2023 Annual Town Meeting – Report to Town Meeting**

7:30 p.m. The Board will discuss draft report and vote to approve and submit to Town Meeting.

#### **2. 10 Sunnyside Ave**

8:30 p.m. The Board will discuss and provide comment to the Zoning Board of Appeals on the Comprehensive Permit Application filed by the Housing Corporation of Arlington for an affordable housing development at 10 Sunnyside Avenue. All application materials may be found on the Zoning Board of Appeals page of the Town website.

#### **3. 2023 Special Town Meeting – Outreach and Engagement**

9:30 p.m. Board will discuss the process, including outreach and engagement, for bringing economic development oriented zoning amendments to Special Town Meeting this fall.

#### **4. Open Forum**

10:00 p.m. Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation. There is a three minute time limit to present a concern or request.

#### **5. New Business**

10:15 p.m.

#### **6. Adjourn**

10:20 p.m. Estimated





## Town of Arlington, Massachusetts

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### 2023 Annual Town Meeting – Report to Town Meeting

#### Summary:

7:30 p.m. The Board will discuss draft report and vote to approve and submit to Town Meeting.

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_1_ARB_Report_to_2023_Town_Meeting_DRAFT.pdf	Redevelopment Board Draft Report to Town Meeting



## **Town of Arlington**

### **ARLINGTON REDEVELOPMENT BOARD**

### **DRAFT Report to 2023 Annual Town Meeting**

Rachel Zsembery, Chair

Kin Lau, Vice Chair

Eugene Benson

Stephen Revilak

Claire Ricker

Secretary Ex-Officio

Director of Planning and Community Development

Voted as amended \_\_\_\_\_

## **Introduction and Overview**

The Arlington Redevelopment Board (ARB) has statutory authority under M.G.L. c. 40A as the Town's planning board (Section 2 of Section 17 of the Town Manager Act) and M.G.L. c. 41 § 81 as the Redevelopment Authority. The ARB was created by a Town Meeting-adopted home rule petition, followed by a State Legislature act to form the ARB in 1971. The Department of Planning and Community Development was created in 1969. The authority and role of the ARB is included in Article 17 of the Town Manager Act. As a planning board, the ARB is charged with developing [Arlington's Master Plan](#); proposing bylaws, regulations, and rules to implement the Master Plan; and applying those bylaws, regulations, and rules. Additionally, the ARB serves as a special permit granting authority. The ARB is also a duly constituted redevelopment authority formed under the authority of M.G.L. c. 121B. As a redevelopment authority, the ARB can buy, sell, and hold property and it is because of these powers that the ARB acts as landlord, responsible for many properties that the Town Meeting has seen fit to put under the Board's jurisdiction. With Town Meeting approval, the Board may hold property to improve and rehabilitate to meet community development goals.

The members of the ARB are as follows:

Rachel Zsembery, Chair (Term through 6/30/2023)

Kin Lau, Vice Chair (Term through 1/31/2025)

Eugene Benson (Term through 1/31/2026)

Stephen Revilak (Term through 9/22/2023)

One position is vacant.

Claire Ricker, AICP, Director of the Department of Planning and Community Development, serves as Secretary Ex-Officio to the ARB.

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The Board is grateful to Melisa Tintocalis for her service on the Board from January 2021 through January 2023. Thank you as well to Kelly Lynema, AICP, Assistant Director, for her assistance in co-writing this report and background research and analysis for staff reports. Thank you also to Department of Planning and Community Development and Engineering Department team members for providing additional background research assistance: David Morgan, Environmental Planner and Conservation Agent and Wayne Chouinard, PE, Town Engineer.

## **Zoning Articles Overview**

The ARB review process for 2023 Annual Town Meeting began in January with the close of the Warrant and will culminate after Town Meeting with a submission by the Town Clerk of any approved zoning amendments to the Attorney General. A detailed description of the submission, review process, and schedule is posted on the [ARB website](#).

When any warrant article proposes to amend the "Town of Arlington Zoning Bylaw," the ARB is required to issue a report with recommendations to Town Meeting. Appearing below are articles that propose to amend the Zoning Bylaw and Zoning Map. This report includes a brief discussion of the intent of each

proposed amendment followed by a recommended vote of the ARB. The ARB's vote constitutes its recommendation to Town Meeting. The recommendations of the ARB, and not the original warrant articles, are the actual motions that will be considered by the Town Meeting. An ARB vote of "No Action" means that Town Meeting will be asked to vote that no action be taken on the proposed warrant article. Changes to the Zoning Bylaw text are shown beneath the recommended votes. Additions to the original Zoning Bylaw text appear as underlined text, while any deletions to the original Zoning Bylaw text appear as strike through text.

The ARB advertisement for the public hearings on the Warrant Articles proposed to amend the Zoning Bylaw appeared in the *Advocate & Star* as required on February 16 and February 23, 2023. In accordance with the provisions of the Arlington Zoning Bylaw and Massachusetts General Laws Chapter 40A, the ARB held public hearings and heard public comments remotely on Zoom on the proposed amendments on Monday, March 6, 2023, and Monday, March 13, 2023. The ARB voted on recommended bylaw language at their meeting on March 27, 2023. The ARB voted \_\_\_\_\_ on this report as amended at their meeting on April 3, 2023.

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### Summary of Recommended Votes of the Redevelopment Board

Article No.	Date of ARB Hearing	Recommendation to Town Meeting
Article 26	<a href="#">March 6, 2023</a>	Favorable Action
Article 27	<a href="#">March 6, 2023</a>	Favorable Action
Article 28	<a href="#">March 6, 2023</a>	Favorable Action
Article 29	<a href="#">March 13, 2023</a>	Favorable Action
Article 30	<a href="#">March 13, 2023</a>	Favorable Action
Article 31	<a href="#">March 6, 2023</a>	Favorable Action
Article 32	<a href="#">March 13, 2023</a>	No Action



## **Zoning Bylaw Amendments: Industrial District Development Standards**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **ARTICLE 26                    ZONING BYLAW AMENDMENT/ INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS**

To see if the Town will vote to amend the Zoning Bylaw to update Section 5.6.2 DEVELOPMENT STANDARDS to establish the design storm or other criteria that must be met for stormwater retention and treatment to receive an exception to maximum height regulations in the Industrial District; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### **Discussion:**

This Article aligns with the 2021 Town Meeting vote to amend the density and dimensional requirements, uses, and establish development standards for the Industrial Zoning District. The Article provides a technical clarification to correct a current ambiguity in the current Zoning Bylaw having to do with how much stormwater is retained and treated on projects on Industrial District sites by defining the appropriate design storm condition. "Design storm" establishes a specific parameter, measurement, or intensity of storm that a stormwater retention system must be capable of handling. The amendment applies to only proposals in the Industrial District in which an applicant seeks an exception to the maximum height of 39 feet or 3 stories. Applicants seeking a height exception must demonstrate compliance with an additional three development standards *above and beyond* the six development standards required of all development in the Industrial District. The third additional standard presently requires applicants to "retain and treat 100% of stormwater on site," which lacks sufficient specificity and concordant standards by which the Board can review proposals and determine compliance.

The Article was created in cooperation with the Town's Conservation Agent / Environmental Planner and Town Engineer to ensure compliance with local standards and state policies. The recommended amendment text includes two critical elements: design storm and contaminant loading standards. Meeting these elements requires compliance with a number of other performance standards, however elaborating the specific details of those standards within the Zoning Bylaw is neither necessary (as standards would be met in order to fulfill the two required elements) and would overly complicate the bylaw.

Overall, these recommended thresholds exceed standard benchmarks, so as to guide the ARB's decisions on whether an exception from the height maximum is justified through accommodation of a high level of storm, but are still achievable. Furthermore, the amendment points to external standards that are updated from time to time to ensure that the Article responds to changes to external standards or other Town policies without requiring subsequent amendments to the bylaw.

**VOTED:                    (4/0)**

**That the Zoning Bylaw be and hereby is amended as follows:**

## Zoning Bylaw Amendments: Industrial District Development Standards

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### Amend SECTION 5.6.2:

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#### (D)(7) Development Standards, Exceptions to Maximum Height Regulations in the Industrial District

For new development or additions that would otherwise be subject to Section 5.3.19, heights over 39 feet or three stories are allowed subject to the following development standards:

- Demonstrate that new buildings or additions shall allow for full sun at least half the time or 50% sun coverage all the time on March 21, June 21, September 21, and December 21 on the lots within the required residential buffer as defined in Section 5.3.19. The Redevelopment Board or Board of Appeals, as applicable, shall find that any shadow on abutters with existing solar panels would be negligible to allow the higher height limit.
- Provide one (1) of the following sustainable roof infrastructure components. In the case of a building that is solar ready per Section 5.6.2.D(1), the component should cover the remaining roof area where appropriate:
  - Install a vegetated or green roof over 50% of the roof area.
  - Use diffuse, highly reflective materials on 75% of the roof area.
  - Install solar energy panels tied to the electrical system of the building. For new commercial or mixed-use building, provide solar PV and/or solar thermal on a minimum of 50 percent of the roof area.
  - Provide 100% highly reflective concrete topping.
  - Install a blue roof over 50% of the roof area to provide initial temporary water storage and then gradual release of stored water.
- ~~Retain and treat 100% of stormwater on site. Demonstrate that the proposed activity will not result in stormwater runoff or discharge from the site during storm events, based on the best currently available rainfall data for the upper bound of 90% confidence interval of the 100-year storm as defined in NOAA Atlas 14, Volume 10, or its successor. All infiltration Best Management Practices (BMPs) must be able to drain fully within 72 hours.~~

Remove stormwater pollution to the maximum extent possible, at minimum 90% of Total Suspended Solids (TSS) and 60% of Total Phosphorus. A minimum TSS removal prior to discharge to an infiltration BMP(s) must comply with the Massachusetts Department of Environmental Protection Stormwater Policy as amended from time to time.

## **Zoning Bylaw Amendment: Solar Bylaw in Industrial Districts**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **ARTICLE 27**

### **ZONING BYLAW AMENDMENT/ SOLAR BYLAW IN INDUSTRIAL DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw to update Section 5.6.2 DEVELOPMENT STANDARDS to reflect the inclusion of Section 6.4 SOLAR ENERGY SYSTEMS; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### **Discussion:**

This Article aligns with the 2022 Town Meeting vote to require solar energy systems in projects subject to Environmental Design Review. On December 20, 2022, the Massachusetts Attorney General's office approved Article 30, the Solar Bylaw amendment, from 2022 Annual Town Meeting. With the addition of Section 6.4, Solar Energy Systems to the Zoning Bylaw, several references in the Industrial District Development Standards need to be updated.

Section 5.6.2, Development Standards, describes a series of standards that development proposals or additions of more than 50% of an existing footprint within the Industrial Districts must meet. In subsection 7, it lays out additional criteria for proposals that exceed the Industrial district's maximum height regulations. Both the base development standards and the exception criteria refer to the provision of solar energy systems, which under Section 6.4 are required of projects requiring Environmental Design Review.

The Board notes that this Article is largely administrative in nature. The Article is a necessary update to ensure compliance and consistency between Sections 5.6.2 and 6.4.

**VOTED: (4/0)**

**That the Zoning Bylaw be and hereby is amended as follows:**

#### **Amend Section 5.6.2:**

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#### **5.6.2(D)(1) Development Standards, Renewable Energy Installations**

D. Development Standards. In the Industrial District, the following requirements apply to all new development or additions over 50% of the existing footprint:

(1) Renewable Energy Installations

- The Redevelopment Board may, by special permit, allow adjustments to the height and setbacks in order to accommodate the installation of solar photovoltaic, solar thermal, living and other eco-roofs, energy storage, and air-source heat pump equipment. Such adjustments shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site, consistent with the other requirements of this section.
- All new commercial and mixed-use buildings subject to Environmental Design Review shall be solar ready comply with Section 6.4, Solar Energy Systems. All new

## **Zoning Bylaw Amendment: Solar Bylaw in Industrial Districts**

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

commercial buildings not subject to Environmental Design Review shall be solar ready, to the extent feasible.

- If not subject to Environmental Design Review, aAdditions over 50% of the footprint of existing buildings shall be solar ready to the extent feasible.

### **5.6.2(D)(7) Development Standards, Exceptions to Maximum Height Regulations in the Industrial District**

For new development or additions that would otherwise be subject to Section 5.3.19, heights over 39 feet or three stories are allowed subject to the following development standards:

- Demonstrate that new buildings or additions shall allow for full sun at least half the time or 50% sun coverage all the time on March 21, June 21, September 21, and December 21 on the lots within the required residential buffer as defined in Section 5.3.19. The Redevelopment Board or Board of Appeals, as applicable, shall find that any shadow on abutters with existing solar panels would be negligible to allow the higher height limit.
- Provide one (1) of the following sustainable roof infrastructure components. Projects requiring Environmental Design Review are subject to section 6.4, Solar Energy Systems, and must therefore provide one additional component. In the case of a building that is solar ready per Section 5.6.2.D(1), the component should cover the remaining roof area where appropriate:
  - Install a vegetated or green roof over 50% of the roof area, or the portion of the roof without a solar energy system, whichever is less.
  - Use diffuse, highly reflective materials on 75% a significant proportion of the roof area that does not include solar.
  - ~~Install solar energy panels tied to the electrical system of the building. For new commercial or mixed-use building, provide solar PV and/or solar thermal on a minimum of 50 percent of the roof area.~~
  - Provide 100% highly reflective concrete topping on a significant portion of the roof area without a solar energy system.
  - Install a blue roof on a significant portion of the roof area without a solar energy system ~~over 50% of the roof area~~ to provide initial temporary water storage and then gradual release of stored water.
  - Retain and treat 100% of stormwater on site.

## **Zoning Bylaw Amendment: Building Inspector, Enforcement**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **ARTICLE 28 ZONING BYLAW AMENDMENT/ BUILDING INSPECTOR, ENFORCEMENT**

To see if the Town will vote to amend the Zoning Bylaw to update Section 3.1(B) BUILDING INSPECTOR; ENFORCEMENT to remove a section that was deemed unenforceable by the Attorney General; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### **Discussion:**

This Article removes an unenforceable provision from the Zoning Bylaw. 2020 Special Town Meeting approved an amendment to Section 3 of the Zoning Bylaw that the Massachusetts Attorney General's office later stated was inconsistent with state law. The ARB had recommended a vote of No Action on the amendment (Article 17), but it was reintroduced through a substitute motion and subsequently approved by Special Town Meeting despite the ARB's recommendation.

The 2020 Article amended the Town's zoning by-laws, Section 3, "Administration and Enforcement," Subsection 3.1 (B), "Building Inspector; Enforcement," to add additional text to the end of Subsection 3.1 (B), as follows (new text in underline):

No person shall erect, construct, reconstruct, convert or alter a structure, or change the use or lot coverage, increase the intensity of use, or extend or displace the use of any structure or lot without applying for and receiving the required permit(s) from the Building Inspector. No such permit shall be issued until the Building Inspector finds that the applicant is in compliance with the applicable provisions of Title VI, Article 7 of the Town Bylaws.

The Attorney General noted that the Zoning Bylaw, specifically Subsection 3.1(B), cannot be applied to authorize the withholding of a building permit for failure to comply with general bylaw requirements. The State Building Code governs the issuance of a building permit, and requires the Building Inspector to issue building permits where the applicant has demonstrated compliance with the State Building Code and the town's *zoning* bylaws. Under state law, building permits may be withheld only if an applicant's proposed project is in violation of the Town's zoning bylaws, not for failure to comply with the town's general, or non-zoning, bylaw requirements. As such, the Zoning Bylaw must be amended to strike the sentence underlined above.

**VOTED: (4/0)**

**That the Zoning Bylaw be and hereby is amended as follows:**

#### **Amend Section 3.1:**

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- A. The Building Inspector appointed under the provisions of [G.L. c. 143](#) is hereby designated and authorized as the officer charged with the administration and enforcement of this Bylaw.
- B. No person shall erect, construct, reconstruct, convert, or alter a structure, or change the use or lot coverage, increase the intensity of use, or extend or displace the use of any structure or lot without applying for and receiving the required permit(s) from the Building Inspector. ~~No such~~

## **Zoning Bylaw Amendment: Building Inspector, Enforcement**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

permit shall be issued until the Building Inspector finds that the applicant is in compliance with the applicable provisions of Title VI, Article 7 of the Town Bylaws<sup>2</sup>.

<sup>2</sup>Per the Massachusetts Attorney General decision on zoning amendments approve by 2020 Special Town Meeting, Subsection 3.1(B) cannot be applied to authorize the withholding of a building permit for failure to comply with general bylaw requirements. See <https://www.arlingtonma.gov/home/showdocument?id=63690&t=638097422294281171> for the full text.

## **Zoning Bylaw Amendments: Downtown Business Parking Minimums**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **ARTICLE 29                      ZONING BYLAW AMENDMENT/ DOWNTOWN BUSINESS PARKING MINIMUMS**

To see if the Town will vote to amend the Zoning Bylaw to completely remove the minimum parking requirements for all non-residential uses in the B5 District; or take any action related thereto.

(Inserted at the request of James Fleming and 10 registered voters)

#### **Discussion:**

The Board supports this Article because it simplifies the Zoning Bylaw with regard to non-residential parking requirements in the B5 Zoning District and is consistent with the Master Plan and Connect Arlington (the Sustainable Transportation Plan). The B5 district is located exclusively in Arlington Center. Section 6.1.10(D) permits the substitution of spaces within public parking lots in lieu of parking requirements provided they are located within 1,000 feet of the building to be served. All of the 26 parcels in the B5 district are located within 1,000 feet of either the Russell Common Parking Lot or the Railroad Lot; on-street parking is also available. The intent of the B5 Zoning District includes allowing for uses oriented to pedestrian traffic, both to encourage commercial activity from neighborhood residents, and to encourage visitors who drive to park once and visit multiple locations on foot within a single visit.

The Board noted that under this Warrant Article, property owners seeking to redevelop property in the B5 district may continue to choose to provide off-street parking; the Warrant Article only eliminates the minimum parking requirement for commercial uses. The Article additionally facilitates change of use and supports new businesses locating to existing storefronts by eliminating the need to request a Special Permit under Environmental Design Review solely to request a parking reduction. Business owners renting property within an existing structure have limited, if any, ability to create off-street parking; for businesses seeking to open without changes to the exterior façade, going through the Special Process delays their ability to open by approximately two months. The amendment would allow commercial tenants to circumvent the requirement to request a waiver, instead allowing them to direct visitors and staff to municipal parking lots and on-street parking, as well as public transportation resources.

The Article is consistent with the Master Plan and Sustainable Transportation Plan. The Master Plan indicates that parking requirements that reflect the actual need for parking should be developed as a way to manage parking in commercial areas (Recommendation 5 of Traffic & Circulation, page 68). The Warrant Article is consistent with this goal and reflective of the fact that meeting the requirements of the existing off-street parking regulations is challenging or impossible in dense business districts, particularly for certain business uses that require higher parking ratios per the existing Zoning Bylaw. A goal of the Sustainable Transportation Plan is to create a vision for all aspects of mobility, including walking, bicycling, public transportation, driving, shared mobility, and micro mobility. This Article may help encourage business owners to identify other more sustainable mobility options for both customers and employees to access their business.

**VOTED:                      (4/0)**

That the Zoning Bylaw be and hereby is amended as follows:

## **Zoning Bylaw Amendments: Downtown Business Parking Minimums**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

- By making the following changes to Section 6.1 of the Zoning Bylaw (“Site Development Standards”, “Off-Street Parking”):

### **Amend Section 6.1.2. Applicability**

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- A. No land, building, or structure shall be used or changed to a category of greater parking demand, determined in accordance with the Table of Off-Street Parking Regulations below, except in accordance with this Section 6.1.
- B. Non-residential uses in the B5 District shall not be required to provide off-street parking.



## **Zoning Bylaw Amendments: One- and Two-Family Usable Open Space**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **ARTICLE 30                      ZONING BYLAW AMENDMENT / ONE- AND TWO-FAMILY USABLE OPEN SPACE**

To see if the Town will vote to amend the Zoning Bylaw to completely remove the usable open space requirement for one- and two-family uses; or take any action related thereto.

(Inserted at the request of James Fleming and 10 registered voters)

#### **Discussion:**

The ARB supports this Article because although it eliminates the category of “usable open space” from the dimensional requirements, it maintains the provision of open space within the Town’s low-density residential uses. Additionally, it simplifies and improves usability of the Zoning Bylaw by eliminating duplicative dimensional requirements, which is consistent with the recommendations of the Master Plan. In their discussion, the Board noted the multiple requirements used to create and regulate open space for residential uses:

- Front setbacks: 20 feet for single- and two-family homes in most districts; 25 feet in the R0 and R1 districts.
- Side yard setbacks: 10 feet for single- and two-family homes in all districts.
- Rear yard setbacks: 20 feet or 20% of lot depth in the R0, R1, and R2 districts, 20 feet in all B districts.
- Maximum lot coverage: 35% in the R0, R1, R2, and R4 districts.
- Landscaped open space: 10% of residential floor area in the R and B districts.
- Usable open space: 30% of residential floor area in the R and B districts.

In most communities, setbacks govern the creation of open space, however Arlington’s Zoning Bylaw includes an additional restriction whereby an open area is not considered open space unless it is primarily flat and has 25 foot by 25 foot dimensions. Newly constructed single- and two-family buildings are required to meet a smaller, 20 foot by 20 foot square, usable open space requirement. In most districts, this means that older homes that meet required 20 foot rear yard setbacks are nonconforming, even if the setback creates a condition whereby a rear yard is 20 feet deep by 45 or 60 feet wide and the total required square footage of usable open space is provided, just not in the prescribed dimensions.

Additionally, in contrast to many communities where open space requirements are created through setbacks or based on a proportion of lot size, the Arlington Zoning Bylaw open space requirements are determined based on a percentage of a residential gross floor area. This means that as a home increases in size, more open space is required in order for the property to comply with the Zoning Bylaw, to the point where an addition could push a conforming property into nonconformance. This can happen even if the property has a 25 by 25 foot, flat back yard.

The Board discussed how these requirements create an onerous and overly restrictive dimensional requirement that increases in size if property owners seek to create additions to their homes. They additionally create a condition where many properties are nonconforming even when setbacks are met, and currently conforming properties can become nonconforming through additions that do not expand the footprint of their home, thereby introducing undue restrictions on what an owner can do with their

## Zoning Bylaw Amendments: One- and Two-Family Usable Open Space

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

property. It further incentivizes demolition of older nonconforming homes, since the usable open space dimensions required for new construction are smaller than those required for existing homes.

The Master Plan both discusses the need to review open space requirements by providing for other types of open space, and recommends reducing the number of uses that require a special permit. The current Zoning Bylaw's definition of usable open space presents an outdated view of how open space should or can function by referring to tennis courts, swimming pools, and clothes drying—some of which could result in large impervious areas—and prioritizing flat lawn areas. The Board noted that under this Article the public and environmental services or “goods” provided by open space – pervious areas, natural habitat, space for landscaping, trees, and pollinators — would still be provided through setbacks, lot coverage, and landscaped open space requirements. Furthermore, the Article does not create new nonconformities, but rather would bring nonconforming single- and two-family homes into conformance with the Zoning Bylaw.

**VOTED: (4/0)**

That the Zoning Bylaw be and hereby is amended as follows:

### **Amend Section 5.4.2(A): Tables of Dimensional and Density Regulations:**

Minimum/Maximum Requirements				
District	Use	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
R0	Permitted residential structure	10%	<del>30%</del>	35%
R1, R2	Permitted residential structure	10%	<del>30%</del>	35%
R3	<u>Single-family detached dwelling, two-family dwelling, duplex dwelling,</u>	<u>10%</u>	<del>-----</del>	<del>-----</del>
	<del>Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling;</del> or other permitted structure except townhouse	10%	30%	
R4	<u>Single-family detached dwelling, two-family dwelling, duplex dwelling,</u>	<u>10%</u>	<del>-----</del>	<u>35%</u>
	<del>Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling</del>	10%	30%	35%
R5	Single-family detached dwelling, two-family dwelling, duplex dwelling, <del>three-family dwelling</del>	10%	<del>30%</del>	<del>-----</del>
	<u>Three-family dwelling, Townhouse, apartment building</u>	10%	30%	<del>-----</del>

## Zoning Bylaw Amendments: One- and Two-Family Usable Open Space

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

R6	<u>Single or two-family dwelling, duplex dwelling</u>	<u>10%</u>	<del>-----</del>	<del>-----</del>
	<del>Single or two-family dwelling, duplex dwelling,</del> three-family dwelling	10%	25%	<del>-----</del>
R7	<u>Single or two-family dwelling, duplex dwelling</u>	<u>10%</u>	<del>-----</del>	<del>-----</del>
	Any <u>other</u> permitted principal structure	10%	15%	<del>-----</del>

### Amend Section 5.5.2(A): Tables of Dimensional and Density Regulations:

Minimum/Maximum Requirements				
District	Use	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
B1	<u>Single-family detached dwelling, two-family dwelling, duplex dwelling,</u>	<u>10%</u>	<del>-----</del>	<del>-----</del>
	<del>Single family detached dwelling, two-family dwelling, duplex dwelling,</del> three-family dwelling	10%	30%	<del>-----</del>
B2	<u>Single-family detached dwelling, two-family dwelling, duplex dwelling,</u>	<u>10%</u>	<del>-----</del>	<del>-----</del>
	<del>Single family detached dwelling, two-family dwelling, duplex dwelling,</del> three-family dwelling	10%	30%	<del>-----</del>
B2A	<u>Single-family detached dwelling, two-family dwelling, duplex dwelling,</u>	<u>10%</u>	<del>-----</del>	<del>-----</del>
	<del>Single family detached dwelling, two-family dwelling, duplex dwelling,</del> three-family dwelling	10%	30%	<del>-----</del>
B3	<u>Single-family detached dwelling, two-family dwelling, duplex dwelling,</u>	<u>10%</u>	<del>-----</del>	<del>-----</del>
	<del>Single family detached dwelling, two-family dwelling, duplex dwelling,</del> three-family dwelling	10%	30%	<del>-----</del>
B4	<u>Single-family detached dwelling, two-family dwelling, duplex dwelling,</u>	<u>10%</u>	<del>-----</del>	<del>-----</del>
	<del>Single family detached dwelling, two-family dwelling, duplex dwelling,</del> three-family dwelling	10%	30%	<del>-----</del>
B5	<u>Single-family detached dwelling, two-family dwelling, duplex dwelling,</u>	<u>10%</u>	<del>-----</del>	<del>-----</del>

**Zoning Bylaw Amendments: One- and Two-Family Usable Open Space**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

	<u>Single family detached dwelling, two-family dwelling, duplex dwelling, three- family dwelling</u>	10%	30%	-----
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## **Zoning Bylaw Amendments: Industrial District Animal Daycare Use**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **ARTICLE 31 ZONING BYLAW AMENDMENT / INDUSTRIAL DISTRICT ANIMAL DAYCARE USE**

To see if the Town will vote to amend the Zoning Bylaw to update Section 5.6.3 USE REGULATIONS FOR MU, PUD, I, T, and OS DISTRICTS, to allow animal daycare; or take any action related thereto.

(Inserted at the request of Kristin Anderson and 10 registered voters)

#### **Discussion:**

In 2021, Warrant Article 35, Industrial Uses, was filed by the ARB to address the antiquated table of uses and density and dimensional requirements that prevented the attraction of new and modern uses to Arlington's Industrial Districts. New uses were added to expand on existing artistic and creative production uses. During that update, discussion around uses focused on aligning opportunities in the Industrial Districts with the needs of the creative economy as described in the Arts and Culture Action Plan. Review of other potential uses was not contemplated at the time.

The petitioner noted that there are at least two businesses interested in opening animal daycares in the Industrial zone, and that there is a proven need for these facilities in town as pet owners often have to bring their pets out of town for daycare services. Animal daycare is currently allowed in the Business districts, and could be provided through mixed-use in the Industrial district. This Article would allow animal daycare as a use in a single use building in the Industrial district.

The Board is supportive of adding animal daycare as a use, and noted its particular suitability for the Industrial district. The use is sometimes seen as incompatible with residential neighborhoods due to concerns about noise and waste disposal; online resources recommend searching for warehouse-style real estate with an open floor plan and some outdoor space.

In their discussion, the Board reiterated their intent to review Industrial District uses more comprehensively in the near future to see how other uses align with Arlington's Master Plan. This review is anticipated to begin this summer, with the potential for additional uses to be proposed at an upcoming Town Meeting.

**VOTED: (4/0)**

That the Zoning Bylaw be and hereby is amended as follows:

#### **Amend SECTION 5.6.3:**

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By inserting a row under "Veterinary and animal care; accessory overnight boarding only for veterinary/medical care in an enclosed building" for the specific use, "Animal day care", and adding the letter "Y" to the "Use Regulations for MU, PUD, IT, T, and OS Districts" table in Section 5.6.3, in the under the column labeled "I"; so that last row under "Personal, Consumer, and Business Services" in the table reads as follows:

## Zoning Bylaw Amendments: Industrial District Animal Daycare Use

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### 5.6.3 Use Regulations for MU, PUD, I, T, and OS Districts

Class of Use	MU	PUD	I	T	OS
<b>Personal, Consumer, and Business Services</b>					
Veterinary and animal care; accessory overnight boarding only for veterinary/medical care in an enclosed building		Y			
<u>Animal day care</u>			<u>Y</u>		

**Zoning Bylaw Amendments: Build Affordable Housing Everywhere**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

**ARTICLE 32**

**ZONING BYLAW AMENDMENT / BUILD AFFORDABLE HOUSING EVERYWHERE**

To see if the Town will vote to amend the Zoning Bylaw so developments of 100% affordable housing may be built by right in all zones, with lower requirements as well; or take any action related thereto.

(Inserted at the request of Thomas J. Perkins and 10 registered voters)

**Discussion:**

The petitioner requested to withdraw the proposal via email to staff on March 21, 2023. As such, the ARB did not discuss this article except to agree that the petitioner's enthusiasm, time dedicated to the development of a draft motion, and his overall support for the production of affordable housing was appreciated, the proposal had significant flaws as presented and that they should recommend No Action on the warrant article. The Board encouraged the petitioner to collaborate with the DPCD and related committees to advance work on similar proposals going forward.

**VOTED: (4/0)**

That no action be taken under Article 32.